FILED
DEC 1 7 2004
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARK WILLIAMS, Plaintiff, v. OFFICER MARTIN #325, OFFICER FRANK JONES, OFFICER BECK AND THE VILLAGE OF BELLWOOD Defendants.	)	Case No. 04 C 35 Judge Gettleman Magistrate Judge Denlow

DOCKETED
DEC 2 2 2004

NOTICE OF MOTION

PLEASE TAKE NOTICE that on the 22nd day of **December, 2004**, we shall appear before the Honorable Morton Denlow, in courtroom 1350 usually occupied by him at the U.S. District Court, 219 S. Dearborn Street, Chicago, Illinois, at the hour of **9:15 a.m.**, and then and there shall move the Court in accordance with the Motion To Compel Deposition, a copy of which is hereby being served upon you.

OFFICER DAVID MARTIN,
COMMANDER FRANK JONES,
OFFICER DUSTIN BECK, AND
VILLAGE OF BELLWOOD

By: [signature]
One of Their Attorneys

Clifford G. Kosoff, Esq.
Julie A. Bruch, Esq.
O'Halloran, Kosoff, Geitner & Cook, P.C.
650 Dundee Road, Suite 475
Northbrook, Illinois 60062
Telephone: (847) 291-0200

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CERTIFICATE OF SERVICE

I, the undersigned, on oath, state that I served the foregoing Motion to Compel Deposition and this Notice of Motion to the following person:

Tenice Guy
Standish E. Willis, Ltd.
407 South Dearborn Street, Suite 1395
Chicago, IL 60605
Facsimile (312) 554-1012

by facsimile and by placing a copy of same in an envelope, addressed as shown above, by placing sufficient U.S. postage on same, and by placing said envelope in the U.S. Mail at 650 Dundee Road, at or about the hour of 5:00 p.m. on December 17, 2004.

Tina M. Dulany

Subscribed and sworn to before me this
17th day of December, 2004.

Donna J. Huber
Notary Public

"OFFICIAL SEAL"
DONNA J. HUBER
Notary Public, State of Illinois
My Commission Expires Aug. 5, 2007

IN THE UNITED STATES DISTRICT COURT
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MARK WILLIAMS, Plaintiff,	
v.	Case No. 04 C 35
	Judge Gettleman
OFFICER MARTIN #325, OFFICER FRANK JONES, OFFICER BECK AND THE VILLAGE OF BELLWOOD	Magistrate Judge Denlow
Defendants.	

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MOTION TO COMPEL DEPOSITION

Defendants, Officer David Martin, Officer Dustin Beck, Commander Frank Jones, and Village of Bellwood, by their attorneys, Julie Bruch and O'Halloran, Kosoff, Geitner & Cook, P.C., pursuant to Fed.R.Civ.P. 37(d), for their Motion to Compel plaintiff to appear for his deposition, state as follows:

1. Defendants initially served Plaintiff with a Notice of Deposition for July 27, 2004. A copy of the Notice of Deposition is attached as **Exhibit 1**.

2. Plaintiff's attorney contacted the attorney for defendants indicating that she would not be available on July 27 and requesting a continuance. The parties subsequently appeared before Judge Denlow on July 22, 2004 at which time the Court ordered plaintiff to submit a written settlement demand by August 16, 2004.

3. After plaintiff failed to submit a written settlement demand, on September 1, 2004 defendants served plaintiff with an amended Notice of Deposition for September 23, 2004. A copy of the Amended Notice of Deposition is attached as **Exhibit 2.**

4. In response to this notice, plaintiff's attorney requested additional time to submit a settlement demand and the deposition was continued.

5. After settlement negotiations proved unsuccessful, on October 25, 2004 the attorney for defendants sent a letter to plaintiff's attorney requesting a new date for the plaintiff's deposition. A copy of this correspondence is attached as **Exhibit 3.**

6. After speaking with plaintiff's attorney to confirm a date that was mutually agreeable, defendants sent plaintiff an Amended Notice of Deposition for December 16, 2004. A copy of this notice is attached as **Exhibit 4.**

7. On December 15, 2004, defendants' attorneys' office contacted plaintiff's attorney to confirm that the deposition of the plaintiff would proceed the following day. At that time, the attorney for plaintiff indicated that she had not spoken with her client in weeks and would need to continue the deposition.

8. The failure of plaintiff to appear for his deposition has hindered defendants' efforts to defend this case and obtain information regarding the merits of the claims of plaintiff. Discovery is set to close on January 31, 2005 and defendants will need to take plaintiff's deposition prior to the close of discovery.

9. Pursuant to LR37.2, defendants' attorney Julie Bruch, left a message with plaintiff's attorney Tenice Guy on December 16, 2004 to consult with her in an effort to resolve the parties' differences.

WHEREFORE, defendant Officer David Martin, Officer Dustin Beck, Commander Frank Jones, and Village of Bellwood, pray that this Court order Plaintiff to appear for his deposition on a date certain in the next 21 days.

Officer David Martin, Officer Dustin Beck, Commander Frank Jones, and Village of Bellwood

By: ______________________________
One of Their Attorneys

Julie A. Bruch, Esq.
O'Halloran, Kosoff, Geitner & Cook, P.C.
650 Dundee Road, Suite 475
Northbrook, Illinois 60062
Telephone: (847) 291-0200

See Case File for Exhibits